

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CATHERINE POWELL,  
Plaintiff,

Case No. 1:19-cv-867  
Litkovitz, M.J.

vs.

TONY ROSIELLO, et al.,  
Defendants.

**ORDER**

Plaintiff initiated this action in October 2019, alleging claims under 42 U.S.C. § 1983 and state law. (Doc. 1). On December 20, 2019, defendants Callos, Jones, Linnenberg, Rosiello, and Vetter filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). (Doc. 10). On January 27, 2020, plaintiff filed an amended complaint solely against defendants Jones and Vetter. (Doc. 16). On February 2, 2020, defendants Jones and Vetter filed an answer to the amended complaint. (Doc. 17). Plaintiff's amended complaint "supersedes the original complaint and is the 'legally operative complaint' in this matter." *Scuba v. Wilkinson*, No. 1:06-cv-160, 2006 WL 2794939, at \*2 (S.D. Ohio Sept. 27, 2006) (citing *Parry v. Mohawk Motors of Mich., Inc.*, 236 F.3d 299, 306 (6th Cir. 2000)).

Accordingly, it is **ORDERED** that defendants Callos, Jones, Linnenberg, Rosiello, and Vetter's motion to dismiss (Doc. 10) is **DENIED** as **MOOT**.

Date: 6/30/2020

  
Karen L. Litkovitz  
United States Magistrate Judge